

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv255

SEREFEX CORPORATION,

Plaintiff,

vs.

BILTMORE INVESTMENTS, LTD.,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant, Biltmore Investments, Ltd's Motion to Transfer Case to the United States Bankruptcy Court for the Western District of North Carolina (Asheville Division) [Doc. 126] and the Defendant, Biltmore Investments, Ltd's Amended Motion to Transfer Case to the United States Bankruptcy Court for the Western District of North Carolina (Asheville Division) [Doc. 132].

Although the parties consented to the transfer of this core proceeding to the United States Bankruptcy Court for the Western District of North Carolina for all future proceedings and entry of final judgment [Doc. 132 at 3], the Court required counsel to address the impact, if any, of the recent

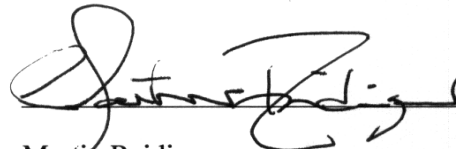
Supreme Court decision of Stern v. Marshall, __ U.S. __, 131 S.Ct. 2594, 180 L.Ed.2d 475 (2011). [Doc. 137]. In response, counsel for Biltmore Investments, Ltd. conceded that its motions to transfer were premature and acknowledged that “in the interests of judicial economy, it is prudent for this Court to await the Bankruptcy Court’s recommendations[.]” [Doc. 138 at 6-7]. No response was filed by counsel for Serefex Corporation.

The Court has previously noted that this case remains stayed pursuant to the Order of the United States District Court for the Middle District of Florida, [Doc. 127], which was entered prior to the change of venue to this Court. The parties to this action are now before the United States Bankruptcy Court for the Western District of North Carolina in connection with an adversary proceeding. In view of the parties’ concession that this Court should not transfer the action to Bankruptcy Court, the Court will continue the stay.

IT IS, THEREFORE, ORDERED that the Defendant, Biltmore Investments, Ltd.’s Motion to Transfer Case to the United States Bankruptcy Court for the Western District of North Carolina (Asheville Division) [Doc. 126] and the Defendant, Biltmore Investments, Ltd.’s Amended Motion to Transfer Case to the United States Bankruptcy Court for the Western District of North Carolina (Asheville Division) [Doc. 132] are hereby **DENIED**.

IT IS FURTHER ORDERED that Biltmore Investments, Ltd. shall notify this Court in writing on or before February 29, 2012 of the status of the bankruptcy proceeding as well as the adversary proceeding.

Signed: January 11, 2012


Martin Reidinger
United States District Judge

